

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

ENERGIZER BRANDS II LLC,  
ENERGIZER HOLDINGS, INC.,  
ENERGIZER MANUFACTURING,  
INC., and AMERICAN COVERS, LLC,

Plaintiffs,

vs.

PARADISE AIR FRESH, LLC, MARC  
FUNDERLICH, and RYAN SIMONS,

Defendants.

Civil Action No. 4:19-cv-00429

**JOINT STIPULATION AND NOTICE OF DISMISSAL WITHOUT PREJUDICE**

Plaintiffs Energizer Brands II LLC, Energizer Holdings, Inc., Energizer Manufacturing, Inc., and American Covers, LLC (collectively, “Plaintiffs”) and Defendants Paradise Air Fresh, LLC, Marc Funderlich, and Ryan Simons (collectively, “Defendants”) (Defendants and Plaintiffs collectively, the “Parties”) hereby jointly agree to the dismissal of Plaintiffs’ First Amended Complaint against Defendants without prejudice to refiling same, and with no award of fees or costs, and stipulate to the following:

1. Plaintiffs filed their First Amended Complaint on July 11, 2019.
2. On October 3, 2019, Defendants filed a motion to dismiss alleging, *inter alia*, that the Court lacks personal jurisdiction over Defendants and that venue in this District is improper, or in the alternative, that venue should be transferred to the District Court for the Southern District of Florida.
3. In order to avoid additional time and expense related to Defendants’ motion on personal jurisdiction and venue grounds, Plaintiffs have agreed to dismiss this action pursuant to

Fed. R. Civ. P. 41(a)(1)(A)(i), and this stipulation constitutes said notice of dismissal. Defendants have not yet filed an answer or a motion for summary judgment in this proceeding.

4. This dismissal of Plaintiffs' First Amended Complaint is expressly made without prejudice to Plaintiffs' ability to refile same.

5. In the event Plaintiffs refile, Defendants agree they are subject to personal jurisdiction in the Southern District of Florida and that venue is proper in the Southern District of Florida, and Plaintiffs agree they will file in the Southern District of Florida.

6. In the event Plaintiffs refile, the Parties agree the provisions of Fed. R. Civ. P. 41(d) shall not apply.

DATED: October 21, 2019.

Respectfully submitted,

/s/ Jennifer Fairbairn Deal

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2019, I electronically filed and serviced the foregoing Motion with the Clerk of the Court using CM/ECF on counsel for Defendants.

/s/ Jennifer Fairbairn Deal  
Jennifer Fairbairn Deal